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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,863	09/22/2003	Toru Terauchi	243054US2S	4310

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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PATEL, NIRAV B

ART UNIT	PAPER NUMBER
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2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/664,863	<b>Applicant(s)</b> TERAUCHI, TORU	
	<b>Examiner</b> Nirav Patel	<b>Art Unit</b> 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to the application filed on 09/22/03.
2. Claims 1-24 are under examination.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 5, 13, 14, 16 and 17 are rejected under 35 USC 103 (a) for being unpatentable over Higashi et al (US Pub. No. 2002/0107806) in view of Yoshikawa et al (US Patent No. 6,249,532) in view of Ripley et al (U.S. Pub. No. 2003/0005309) and in view of Tanaka et al (US Pub. No. 2002/0114466).

As per claim 1, Higashi discloses:

providing part configure to providing terminal-side item information [Fig. 1, 2002]; a first memory part configured to receive and store operational rule information corresponding to a combination of title key and reproduction object inherent information [Fig. 1, 2007, paragraph 0016, 0018, Fig. 5 → 245, Fig. 9], the title key being uniquely determined in accordance with the content, and the reproduction object inherent information restricting a reproduction object of content and including item information [Fig. 9, paragraph 0080,

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0082, Fig. 5]; a second memory part configured to receive and store the encrypted content data encrypted based to on encryption key information [Fig. 1, 5, paragraph 0086, 0092] and a decryption unit configured to decrypt the content data based on the decryption key information [Fig. 1 or 5, paragraph 0022].

Ripley teaches:

encryption key/decryption key is generated from the title key and the reproduction object inherent information (e.g. copy control information, usage rules information or license information) [paragraph 0037 lines 1-4].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ripley with Higashi, since one would have been motivated to provide the protection of stored information from unauthorized copying/reproducing [Ripley, paragraph 0002].

Yoshikawa teaches:

compare the item information with the terminal-side item information to judge a reproduction possibility of the encrypted content data, the item information being acquired from the operational rule information (i.e. key extraction, separate the terminal ID → 721) [Fig. 1 (B) or 7, col. 14 lines 17-34]. Yoshikawa teaches decryption the content data in accordance with the judgment (i.e. result of comparison) [Fig. 7, col. 14 lines 21-27] and decryption the content data based on the decryption key information [Fig. 7, 30-34].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Yoshikawa with Higashi and Ripley, since one

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would have been motivated to prevent infringement of copyright of video software/content data [Yoshikawa, col. 3 lines 33-34].

Ripley teaches generating the decryption key from the title key and the reproduction object inherent information (e.g. copy control information, usage rules information or license information) [paragraph 0037 lines 1-4]. Ripley doesn't expressively mention that the reproduction object inherent information (e.g. copy control information, usage rules information or license information) includes the terminal ID (i.e. item information).

Tanaka teaches the license information includes the terminal ID [paragraph 0014 lines 5-6].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Tanaka with Higashi, Ripley and Yoshikawa, since one would have been motivated to prevent content from being copied and used illegally [Tanaka, paragraph 0005].

As per claim 2, the rejection of claim 1 is incorporated and Higashi teaches:

the reproduction object inherent information includes any one of a limit item concerning the content, a restriction item restricting at least one of the terminal apparatus and an item inherent to a user [Fig. 9].

As per claim 4, it encompasses limitations that are similar to limitations of claim 1. Thus, it is rejected with the same rationale applied against claim 1 above. Further, Higashi teaches encrypted keyword information, the encrypted keyword information being

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encrypted based on reproduction object inherent information restricting a reproduction object of content [Fig. 5, paragraph 0080-0082]. Further, Higashi teaches decrypting the control information to obtain the license information [paragraph 0094].

Tanaka teaches the license information includes the terminal ID [paragraph 0014 lines 5-6] and the judgment unit compares the terminal ID in the received license (i.e. the key word information) with the terminal-identification information stored in the terminal-ID storage unit (i.e. terminal-side item information) to judge a reproduction possibility of the encrypted content data [paragraph 0014].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Tanaka with Higashi, Ripley and Yoshikawa, since one would have been motivated to prevent content from being copied and used illegally [Tanaka, paragraph 0005].

As per claim 5, the rejection of claim 4 is incorporated and it encompasses limitations that are similar to limitations of claim 2. Thus, it is rejected with the same rationale applied against claim 2 above.

As per claim 13, it is a method claim corresponds to apparatus claim 1 and is rejected for the same reason set forth in the rejection of claim 1 above.

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As per claim 14, the rejection of claim 13 is incorporated and it is a method claim corresponds to apparatus claim 2 and is rejected for the same reason set forth in the rejection of claim 2 above.

As per claim 16, it is a method claim corresponds to apparatus claim 4 and is rejected for the same reason set forth in the rejection of claim 4 above.

As per claim 17, the rejection of claim 16 is incorporated and it is a method claim corresponds to apparatus claim 5 and is rejected for the same reason set forth in the rejection of claim 5 above.

4. Claims 3, 6, 15 and 18 are rejected under 35 USC 103 (a) for being unpatentable over Higashi et al (US Pub. No. 2002/0107806) in view of Yoshikawa et al (US Patent No. 6,249,532) in view of Ripley et al (U.S. Pub. No. 2003/0005309) in view of Tanaka et al (US Pub. No. 2002/0114466) and in view of Hori et al (US Patent No. 7,010,809).

As per claim 3, the rejection of claim 1 is incorporated and Higashi teaches the operational rule information and the reproduction object inherent information [Fig. 1, 5, 9].

Hori teaches:

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the operational rule information contains a flag indicative of the operational rule information which is independent on the reproduction object inherent information [Fig. 28 → e.g. ACm, ACp].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Hori with Higashi, Ripley, Yoshikawa and Tanaka, since one would have been motivated to prevent content from being copied and used illegally [Tanaka, paragraph 0005].

As per claim 6, the rejection of claim 4 is incorporated and it encompasses limitations that are similar to limitations of claim 3. Thus, it is rejected with the same rationale applied against claim 3 above.

As per claim 15, the rejection of claim 13 is incorporated and it is a method claim corresponds to apparatus claim 3 and is rejected for the same reason set forth in the rejection of claim 3 above.

As per claim 18, the rejection of claim 16 is incorporated and it is a method claim corresponds to apparatus claim 6 and is rejected for the same reason set forth in the rejection of claim 6 above.

5. Claims 7, 8, 19 and 20 are rejected under 35 USC 103 (a) for being unpatentable over Sugiura et al (US Pub. No. 2003/0028272) in view of Harada et al (US Pub. No. 2003/0009681) and in view of Ripley et al (U.S. Pub. No. 2003/0005309).

As per claim 7, Sugiura teaches:

a receiving portion configured to receive terminal-side item information from the outside of the apparatus [Fig. 1, paragraph 0018]; a first generation portion configured to acquire a title key which is uniquely determined in accordance with each content and the terminal-side item information [Fig. 1 or 7, 8].

Harada teaches:

generate reproduction object inherent information which restricts a reproduction object of content [Fig. 2 → usage condition data, Fig. 6]; and an output portion configured to generate an operational rule information file including the title key, and the reproduction object inherent information and outputs the operational rule information file [Fig. 6, 2].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Harada with Sugiura, since one would have been motivated to protect copyright of digital work (content) [Harada, paragraph 0003 line 2].

Ripley teaches:

a second generation portion configured to generate an encryption key information based on the title key and the reproduction object inherent information (i.e. license information or usage information or copy control information) [paragraph 0037 lines 1-4];

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an encryption portion configured to encrypt the content data with utilizing the encryption key information to generate a encryption content file [paragraph 0037 lines 1-4].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ripley with Sugiura and Harada, since one would have been motivated to provide the protection of stored information from unauthorized copying/reproducing [Ripley, paragraph 0002].

As per claim 8, the rejection of claim 7 is incorporated and Harada teaches:

the reproduction object inherent information includes any one of a limit item concerning a reproduction content, a restriction item which restricts the terminal apparatus and an item inherent to a user [Fig. 6, paragraph 0116-0118].

As per claim 19, it is a method claim corresponds to apparatus claim 7 and is rejected for the same reason set forth in the rejection of claim 7 above.

As per claim 20, the rejection of claim 19 is incorporated and it is a method claim corresponds to apparatus claim 8 and is rejected for the same reason set forth in the rejection of claim 8 above.

6. Claims 9 and 21 are rejected under 35 USC 103 (a) for being unpatentable over Harada et al (US Pub. No. 2003/0009681) in view of Sugiura et al (US Pub. No. 2003/0028272) in view of Ripley et al (U.S. Pub. No. 2003/0005309.) and in view of Hori et al (US Patent No. 7,010,809).

As per claim 9, the rejection of claim 7 is incorporated and Higashi teaches the operational rule information and the reproduction object inherent information [Fig. 1, 5, 9].

Hori teaches:

the operational rule information contains a flag indicative of the operational rule information which is independent on the reproduction object inherent information [Fig. 28 → e.g. ACm, ACp].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Hori with Sugiura, Harada and Ripley, since one would have been motivated to protect copyright of digital work (content) [Harada, paragraph 0003 line 2].

As per claim 21, the rejection of claim 19 is incorporated and it is a method claim corresponds to apparatus claim 9 and is rejected for the same reason set forth in the rejection of claim 9 above.

7. Claims 10, 11, 22 and 23 are rejected under 35 USC 103 (a) for being unpatentable over Sugiura et al (US Pub. No. 2003/0028272) in view of Higashi et al (US Pub. No. 2002/0107806) in view of Tanaka et al (US Pub. No. 2002/0114466) and in view of Ripley et al (U.S. Pub. No. 2003/0005309).

As per claim 10, Sugiura teaches:

a receiving portion configured to receive terminal-side item information from the outside of the apparatus [Fig. 1, paragraph 0018]; a first generation portion configured to acquire a title key which is uniquely determined in accordance with each content and the terminal-side item information [Fig. 1 or 7, 8]

Higashi teaches:

generates reproduction object inherent information which restricts a reproduction object of content [Fig. 9]; an encryption portion configured to encrypt the content data with utilizing the encryption key information to generate a encrypted content file [Fig. 7, paragraph 0086].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Higashi with Sugiura, since one would have been motivated to manage rights of the content and to control over the usage of the content [Higashi, paragraph 0002 lines 5-7].

Further, Higashi teaches encrypting the content information (which includes the license information (LT) and the content key) based on the terminal ID [paragraph 0082, i.e. generates encrypted keyword information obtained by encrypting the encryption key

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information based on the reproduction object inherent information (i.e. the terminal ID) [Fig. 9, paragraph 0080-0082]. Higashi doesn't expressively mention that the license information (i.e. the reproduction object inherent information) includes the terminal ID.

Tanaka teaches the license information includes the terminal ID [paragraph 0014 lines 5-6].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Tanaka with Sugiura and Higashi, since one would have been motivated to prevent content from being copied and used illegally [Tanaka, paragraph 0005].

Higashi teaches:

an output portion configured to generate an operational rule information file including content key, and the encrypted keyword information [Fig. 9, Fig. 13 → S16].

Higashi teaches transmitting the content key along with the license information (i.e. operational rule information file) [Fig. 13].

Ripley teaches:

a second generation portion configured to generate an encryption key information based on the title key and the reproduction object inherent information (i.e. license information or usage information or copy control information) [paragraph 0037 lines 1-4].

Further, Ripley teaches outputting the encrypted title key [Fig. 1].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ripley with Sugiura, Higashi and Tanaka, since one

would have been motivated to provide the protection of stored information from unauthorized copying/reproducing [Ripley, paragraph 0002].

As per claim 11, the rejection of claim 10 is incorporated and Harada teaches:

the reproduction object inherent information includes any one of a limit item concerning a reproduction content, a restriction item which restricts the terminal apparatus and an item inherent to a user [Fig. 6, paragraph 0116-0118].

As per claim 22, it is a method claim corresponds to apparatus claim 10 and is rejected for the same reason set forth in the rejection of claim 10 above.

As per claim 23, the rejection of claim 22 is incorporated and it is a method claim corresponds to apparatus claim 11 and is rejected for the same reason set forth in the rejection of claim 11 above.

8. Claims 12 and 24 are rejected under 35 USC 103 (a) for being unpatentable over Sugiura et al (US Pub. No. 2003/0028272) in view of Higashi et al (US Pub. No. 2002/0107806) in view of Tanaka et al (US Pub. No. 2002/0114466) and in view of Ripley et al (U.S. Pub. No. 2003/0005309) and in view of Hori et al (US Patent No. 7,010,809).

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As per claim 12, the rejection of claim 10 is incorporated and Higashi teaches the operational rule information and the reproduction object inherent information [Fig. 1, 5, 9].

Hori teaches:

the operational rule information contains a flag indicative of the operational rule information which is independent on the reproduction object inherent information [Fig. 28 → e.g. ACm, ACp].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Hori with Sugiura, Higashi, Tanaka and Ripley, since one would have been motivated to protect copyright of digital work (content) [Harada, paragraph 0003 line 2].

As per claim 24, the rejection of claim 23 is incorporated and it is a method claim corresponds to apparatus claim 12 and is rejected for the same reason set forth in the rejection of claim 12 above.

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Okamoto et al (US 2003/0061165) --- Content usage management system and server used in the system

Miura et al (US 2003/0028490) --- System, Apparatus and method of contents distribution and program and program recording medium directed to the same

Inoue et al (US 7103663) --- License management server, license management system and usage restriction method

Matsuzaki et al (US 2003/0161474) --- Data distribution system

Kohno (US 2002/0057799) ---- Data delivery system, server apparatus, reproducing apparatus, data delivery method, data playback method, storage medium, control, signal, and transmission data signal

Matsumoto et al (US 6286008) --- Electronic information distribution method and recording medium

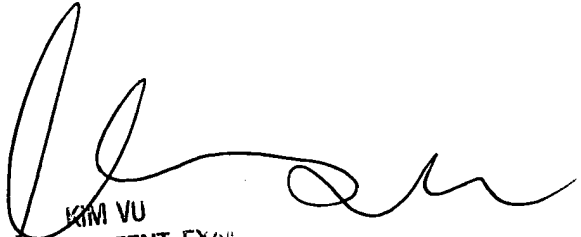
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*NBP*

*12/20/06*

  
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